



**JUDICIARY BRANCH AND
SCIENTIFIC EVIDENCE: AN
ANALYSIS OF JUDICIAL
DECISIONS INVOLVING THE DRUG
GALSULFASE**

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BACKGROUND

The judiciary branch, in Brazil and other countries, has been an active actor in public health policies, especially regarding drug policies.

In the present paper, evaluated the judicial response to cases regarding Galsulfase, a recombinant form of human N-acetylgalactosamine 4-sulfatase, designed for the treatment of patients suffering from mucopolysaccharidosis type VI.



AIMS AND METHODS

- To identify the prevalence of scientifically grounded judicial decisions and the knowledge of Brazilian judges about Evidence-based medicine.
- We searched the electronic database of the Supreme Court (STF), the Superior Court of Justice (STJ) and all Federal Regional Courts (TRFs), looking for the keywords \"naglazyme\" OR \"galsulfase\".



RESULTS

- We found 31 decisions. Of these, 9 were excluded due to procedural reasons (29.03%) and 22 met the eligibility criteria.
- Out of them, 20 (90.09%) decisions determined the government to supply galsulfase. None of them was based on evidence. Only 1 decision (4.54%) considered it improper to deliver the drug due to lack of evidence about it. And 1 decision (4.54%) ordered the performance of forensic expertise.
- 7 decisions (31.81%) referred to medical expert opinion. Medical outcomes incompatible with the administration of galsulfase were found in 7 (31,81%) decisions.



CONCLUSIONS

The judicial power ignores scientific evidence as an aid to the decision-making process. In order to preserve the right to health and sustainability of the system, it is necessary that judicial decisions find ground on high level medical evidence.

Therefore, it is imperative that the judicial power becomes more pragmatic and less ideological.

